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EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,356

Applicant(s)

SMIRNOV, YURI

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34, 36-38 and 41-49 is/are rejected.
- 7) ☒ Claim(s) 35, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 17 July 2003. Applicant's amendment of 17 July 2003 amended claims 1-6, 9-12, 14, 25, 27, 30, 31, 33, and 34, and added new claims 35-49. Currently, claims 1-49 are pending.

Response to Amendment

2. The objection to the Oath/Declaration in the First Office Action is withdrawn in response to the applicant's new Declaration and Power of Attorney.
3. The objection to the drawings in the First Office Action is withdrawn in response to the applicant's amendment to the drawings.
4. The objection to the specification in the First Office Action is withdrawn in response to the applicant's amendment to the specification.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4, 14, 27, 30, 31, 33, and 34 have been considered but are moot in view of the new ground(s) of rejection. As to amended claim 1, Applicant asserts that Henson (U.S. Patent 6,167,383) neither discloses nor suggests receiving an automated response including an availability date in response to information sent to a manufacturer of the selected feature. Also, the applicant asserts that Henson does not disclose or suggest a mechanism whereby a seller apprises a customer, by an automated response from a manufacturer, of an availability date from the manufacturer of a selected feature. As to amended claim 14, the applicant asserts Henson does not disclose or suggest the configuration application

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separated away from the supplier, and does not disclose or suggest communication between the supplier and the configuration application over the Internet. As to amended claim 30 the applicant asserts Henson does not disclose communicating a customer specified availability date. As to amended claim 33, the applicant asserts Henson does not disclose a mechanism by which a customer can supply alternative sales terms. As to claim 34 like claim 14, the applicant asserts Henson does not disclose or suggest the configuration application separated away from the configuration application means, and does not disclose or suggest communication between the supplier and the configuration application means over the Internet. As to amended claim 27 and 31, Applicant asserts that neither Henson nor Conklin (U.S. Patent 6,141,653) or the combination describes linking seller and buyer systems such that automated response occurs between buyer and seller systems. The examiner addresses the amended claims below.

6. As to amended claims 4, the applicant asserts Henson does not disclose communicating a customer specified availability date. The applicant is correct Henson only addresses a seller's delivery date however claim 4 was rejected over Henson in view of Conklin. Conklin teaches that a comprehensive iterative bargaining ability is provided where both buyers and sellers can negotiate all the terms and conditions of a transaction, not just the price (Col. 14, lines 27-31). Therefore, since delivery date is part of the terms and conditions of a transaction, a customer can negotiate the delivery date by specifying a desired availability date and receiving a response from the seller.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claim **14, 20-22, 25, 26, 34, 41, and 48** are rejected under 35 U.S.C. 102(e) as being anticipated by Henson (U.S. Patent 6,167,383). Henson discloses extended product configuration techniques comprising:

- [Claim 14] a configuration application for receiving a product feature selected by the customer, and for validating a number of constraints associated with that product feature (Figure 1, Col. 2, lines 65-67, and Col. 7, lines 57-66, Henson teaches a configurator is provided for configuring a computer system with options selected according to a user input. The online store includes validation of a configuration built by a customer whereby a validation message is sent indicating an occurrence of when the options selected are not correct or will adversely affect the shipment.);
- a communication module coupled to the configuration application for communicating the selected product feature to the supplier, and for communicating over the internet an availability date of that product feature from the supplier to the configuration application (Figure 1, Col. 4, lines 53-62 and Col. 6, lines 31-67, Henson teaches an enhanced online store user interface which enables the system configuration, pricing, and ordering of a computer system via the Internet. The online store has a shipment delay indicator that provides the customer with advance notice that a particular option will result in a shipment delay. The indicator may further include an indication of a certain amount of time for a delay with an estimated time to delivery. The examiner interprets the online store user interface or I/O device to be part of the communication module); and
- a first storage area coupled to one of the configuration application and the communication module for storing an in-process bill of materials that reflects the product feature selected by the customer (Figure 1, Col. 3, lines 4-6, and Col 5, lines 9-13, and 57-58, Henson teaches the configurator, cart, and checkout are driven off the database. The cart provides temporary storage of the customer configured computer system.).

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- [Claim 20] a second storage area coupled to one of the configuration application and the communication module for storing an in-process manufacturing bill of materials that reflects the availability date of the selected product feature; and a third storage area coupled to one of the configuration application and the communication module for storing an in-process pricing bill of materials that reflects a price of the selected product feature (Figure 1 and 11, Col. 4, line 53 through to Col. 5, line 5, and Col. 6, lines 5-51, Henson teaches a hard disk drive and other storage devices all interconnected via one or more buses. The commerce application includes a configurator and database. The database provides information to the configurator which includes a pricing module, a view module, a lead time warning module, and a merchandising module.)
- [Claim 21] the communication module is also for communicating a price of the selected product feature from the supplier to the configuration application (Figure 1, Col. 2, line 61 through to Col. 3, line 11, Henson teaches a commerce application where options selected by the user receive a price that is displayed on a configurator web page).
- [Claim 22] an availability date communication module for communicating the availability date of the selected product feature from the supplier to the configuration application (Figure 1, Col. 6, lines 31-67, Henson teaches a lead time module with a shipment delay indicator that provides the customer with any lead time warnings or shipment delays associated with selection of specific options);
- and a price communication module for communicating the price of the selected product feature to the configuration application (Figure 1, Col. 2, line 61 through to Col. 3, line 12, Henson teaches pricing module as part of a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented).
- [Claim 25] a user interface coupled to the configuration application for allowing the customer to interact with the system (Figure 11, Col. 2, lines 61-67, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system).
- [Claim 26] an inventory library coupled to the configuration application for providing the customer a number of product features that can be selected to configure the product (Figure 1, Col. 3, lines 13-29, Henson teaches the configurator coupled to a database and includes merchandising recommendations for available options that are presented on the configurator web page. The examiner interprets the database to be the inventory library.).

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- [Claim 41] the pricing bill of materials is derived from the configuration bill of material (Figure 1, Col. 4, line 53 through to Col. 5, line 5, Col. 6, lines 55-65, Henson teaches the entire configurator is driven by the database. The configurator includes a pricing module. The examiner interprets that once a customer selects or configures their system the pricing module then established a price for the selected feature, therefore the pricing bill of material is derived from the configuration bill of material.).
- [Claim 48] the customer is chosen from one of the set of retailer and wholesaler and manufacturer and distributor (Col. 13, line 6-28, Henson teaches a personal and business customer where a business online store is created. The examiner interprets a business to any one of a retailer, wholesaler, manufacturer, or distributor.)

System claim 34 recites substantially the same limitations as that of system claims 14. Hence the same rejection for claims 14 as applied above applies to claims 34.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 7, 8, 12, 13, 15, 19, 23, 24, 36, 42, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) in view of Teresko et al. (Teresko et al., Calico Technology: Concinity configuration/quotation system, Industry Week, Vol. 245, issue 23, December 16, 1996, p. 24-26 [PROQUEST]). Henson discloses extended product configuration techniques comprising:

- [Claim 1] receiving into a configuration application of the seller a selected feature (Col. 2, lines 61-67, and Col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based

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online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input.);

- receiving from the manufacturer an automated response including an availability date that corresponds to the selected feature (Col. 6, lines 35-67, and Col. 14, line 62 through to Col. 15, line 8, Henson teaches if any item has a lead time over three weeks, the lead time flags would be set within the online store. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery.); and
- updating an in-process bill of materials to reflect that selected feature (Col. 5, line 55 through to Col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.).

Henson fails to disclose communicating to a manufacturer the selected feature. Teresko et al. teaches manufacturers can extend their enterprise-resource-planning (ERP) systems out to the Internet. The Calico sales quotation and configuration software integrates with ERP systems and eliminates the need for sales and manufacturing to maintain separate configuration systems (Page 24, Col. 3, Para 1, and Page 26, Col. 2, Para 3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include communicating the selected features to a manufacturer with Henson since the teaching of Teresko et al. teaches that it is old and well known in the sales quotation and configuration art to integrate a customer product selector with the manufacturer's ERP system (Page 24, Col. 3, Para 1-3). Customer satisfaction remains one of the top priorities of a company. Having a customer driven product configuration system that is integrated with the manufacturing ERP system eliminates translation errors

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between sales and manufacturing. A fully integrated system would ensure customer satisfaction and reduce product returns since the product is being built to the directly communicated customer requirements.

- [Claim 2] repeating the steps of receiving into a configuration application a selected feature, communicating to a manufacturer the selected feature, receiving from the manufacturer an automated response including an availability date, and updating a number of times until the configuration is complete thereby yielding a completed bill of materials (Henson: Col. 8, lines 45-55 and Col 3, lines 1-12, Henson teaches the customer can modify, change and/or delete an option and temporarily store the configured computer system prior to checkout).
- [Claim 7] deriving, from the in-process bill of materials, an in-process manufacturing bill of materials that reflects the received availability date that corresponds to the selected feature (Teresko et al.: Page 26, Col. 2, Para 3, Teresko et al. teaches Calico sales quotation and configuration software integrates with ERP systems and eliminates the need for sales and manufacturing to maintain separate configuration systems. The examiner interprets the configuration system to be a bill of material system; therefore an in-process bill of material is the same as an in-process manufacturing bill of material.).
- [Claim 8] receiving a price that corresponds to the selected feature (Henson: Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented).
- [Claim 12] a relationship between the customer and the seller has a configuration side associated with the customer, and a resource planning side associated with the seller, and that configuration side-resource planning side relationship is respectively one of a consumer-seller relationship, a seller-manufacturer relationship and a manufacturer-vendor relationship (Teresko et al.: Page 26, Col. 2, Para 3, Teresko et al. teaches Calico sales quotation and configuration software integrates with ERP systems and eliminates the need for sales and manufacturing to maintain separate configuration systems. The examiner interprets Calico sales and quotation system to be a seller-manufacturer relationship.).
- [Claim 13] in response to the price of the selected feature being determined on the configuration side, deriving an in-process pricing bill of materials from the in-process bill of materials, wherein the in-process pricing bill of materials reflects the price of the selected feature (Teresko et al.: Page 26, Col. 2, Para 3, Teresko et al. teaches Calico sales quotation and configuration software integrates with ERP systems and eliminates the need for sales and manufacturing to maintain separate configuration

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systems. Henson: Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented.);

- and in response to the price of the selected feature being determined on the resource planning side, deriving the in-process pricing bill of materials from an in-process manufacturing bill of materials that is derived from the in-process bill of materials and reflects the received availability date of the selected feature (Henson: Col. 2, line 61 through to Col. 3, line 12, and Col. 6, lines 31-67, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays associated with the selection of specific options and when the shopper clicks on the icon will receive an estimated time to delivery. Teresko et al.: Page 26, Col. 2, Para 3, Teresko et al. teaches Calico sales quotation and configuration software integrates with ERP systems and eliminates the need for sales and manufacturing to maintain separate configuration systems.).
- [Claim 36] the availability date received from the manufacturer over the Internet is provided by an enterprise resource planning (ERP) system (Teresko et al.: Page 26, Col. 2, Para 3, Teresko et al. teaches the Calico's Coincinity configuration/quotation software integrates with ERP systems and automatically translates bills of materials into constraint- and role- based models that can rapidly be deployed on the Internet. It eliminates the need for sales and manufacturing to maintain separate configuration systems. Since sales and manufacturing use the same system, the availability date resides with both sales and manufacturing, therefore, is in essence provided by the ERP system.).
- [Claim 42] the pricing bill of materials is derived from the manufacturing bill of materials (Teresko et al.: Page 26, Col. 2, Para 3, Teresko et al. teaches the Calico's Coincinity configuration/quotation software integrates with ERP systems and automatically translates bills of materials into constraint- and role- based models that can rapidly be deployed on the Internet. It eliminates the need for sales and manufacturing to maintain separate configuration systems. The examiner interprets that as the user selects their system the manufacturing bill of material supplies the information to the pricing module since the configuration/quotation system is fully integrated with the ERP system and the manufacturing bill of material.).
- [Claim 49] the supplier is chosen from one of the set of retailer and wholesaler and manufacturer and distributor and vendor (Teresko et al.: Page 24, Col. 3, Para 1 and 3, and Page 26, Col. 2, Para 1, Teresko et al teaches the Calico software enabled manufacturers to extend their ERP systems out to the Internet, enables customers to browse a vendor's options, and is designed to handle product complexity associated with the business-to-business market. The examiner interprets business to include

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anyone of the set of retailer and wholesaler and manufacturer and distributor and vendor.).

Claims **15, 19, 23, and 24** recite substantially the same limitations as that of claims 2, 7, 12, and 13, respectively with the distinction of the recited method being a system. Hence the same rejection for claims 2, 7, 12, and 13 as applied above applies to claims 15, 19, 23, and 24, respectively.

11. Claims **4-6, 9-11, 16-18, 27-32, 37, and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) in view of Conklin et al. (U.S. Patent 6,141,653). Henson discloses extended product configuration techniques, but fails to teach iterative, multivariate negotiations over a network. As to claims 4-6 and 9-11, Henson fails to teach in response to the received availability date or price being unsatisfactory to the customer, communicating a customer specified availability date or price to at least one of the seller and manufacturer; the availability date or price received from the manufacturer is in response to a customer specified availability date communicated to at least one of the seller and manufacturer; and the availability date or price received from the manufacturer is in response to a customer specified price communicated to at least one of the seller and manufacturer. Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer (Col. 13, line 66 through to Col. 14, line 31). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to

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include a multivariate negotiation engine with Henson since the teachings of Conklin et al. teach that it is old and well known in the Internet communications art to have the capability to negotiate multiple variables such as prices, terms, conditions, etc. iteratively with a buyer (Abstract). Companies realize the cost advantage of doing business over the Internet. Allowing the customer to negotiate price, terms, conditions, etc. over the Internet would minimize the need for the customer to physically go to a company's place of business. The customer having the ability to negotiate all aspects of doing business with the company over the Internet would reduce the overall cost of the transaction for both the customer and company.

As to claims **27-29**, **37**, and **47**, Henson discloses extended product configuration techniques comprising:

- [Claim **27**] communicating a customer selected product feature to the supplier (Col. 2, lines 61-67, and Col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input.);
- receiving from the supplier an availability date that corresponds to that selected product feature (Col. 6, lines 35-67, and Col. 14, line 62 through to Col. 15, line 8, Henson teaches if any item has a lead time over three weeks, the lead time flags would be set within the online store. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery.);
- [Claim **28**] updating a bill of materials to reflect the accommodation received from the supplier (Henson: Col. 5, line 55 through to Col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the

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shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.).

- [Claim 47] displaying to a customer a selectable feature and at least one of price and availability date of the selectable feature (Henson: Col. 2, lines 61-67, and Col. 6, lines 18-67, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input. A pricing option module includes an update price function that causes the price displayed on the configuration screen to reflect any changes made to the system options. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. Online shoppers can click on a long lead time icon that is displayed adjacent to each item affected and receive an estimated time to delivery.)

As to claims 27 and 28, Henson fails to teach in response to the availability date being unsatisfactory to the customer, communicating a customer specified availability date to the supplier and receiving from the supplier an automated response including an accommodation based on the customer specified availability date. As to claim 29, Henson also fails to teach the accommodation is one of an availability date that satisfies the customer specified availability date, and a reduced price. As to Claim 37, Henson fails to teach wherein the step of communicating a customer specified availability date to the manufacturer is followed by receiving from the manufacturer an automated response including an accommodation in response to the customer specified availability date. As to claim 47, Henson fails to teach conveying to a supplier at least one of a customer desired availability date and a customer desired price and supplying an automated response including an accommodation from the supplier based on the at least one of a customer desired availability date and a customer desired price. As indicated above for claims 4-6 and 9-11, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and

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evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer (Col. 13, line 66 through to Col. 14, line 31). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a multivariate negotiation engine with Henson since the teachings of Conklin et al. teach that it is old and well known in the Internet communications art to have the capability to negotiate multiple variables such as prices, terms, conditions, etc. iteratively with a buyer (Abstract). Companies realize the cost advantage of doing business over the Internet. Allowing the customer to negotiate price, terms, conditions, etc. over the Internet would minimize the need for the customer to physically go to a company's place of business. The customer having the ability to negotiate all aspects of doing business with the company over the Internet would reduce the overall cost of the transaction for both the customer and company.

Claims **16-18**, and **30-32** recite substantially the same limitations as that of claims 4-6 and 27-29 with the distinction of the recited method being a system, process, and computer program product. Hence the same rejection for claims 4-6 and 27-29 as applied above applies to claims 16-18 and 30-32.

Claims **33**, **38**, **43**, **44** and **46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) and Teresko et al. (Teresko et al., Calico Technology: Concinity configuration/quotation system, Industry Week, Vol. 245, issue 23, December 16, 1996, p. 24-26 [PROQUEST]) in view of Conklin et al. (U.S. Patent 6,141,653). Henson and Teresko et al. disclose extended product configuration techniques comprising:

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- [Claim 33] in response to the computer program product being executed by a processor, the processor performs the steps of: responsive to a customer selecting a feature of the product, receiving from a manufacturer over the Internet an automated response including an availability date that corresponds to that selected feature (Henson: Col. 2, lines 61-67, Col. 3, lines 61-67, Col. 6, lines 5-17 and 31-43, and Col. 7, lines 1-12, Henson teaches a web-based online store using a computer system with a central processing unit. The online store application and system includes a configuration module and a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input. A shipment delay indicator provides the customer with advance notice that a particular option will result in a shipment delay. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery.);
- updating an in-process bill of materials to reflect that selected feature (Henson: Col. 5, line 55 through to Col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.); and
- in response to the customer being satisfied with a set of sales parameters including the availability date of the selected feature, submitting a completed bill of materials to the manufacturer over the Internet (Teresko et al.: Page 24, Col. 3, Para 1, and Page 26, Col. 2, Para 3, Teresko et al. teaches manufacturers can extend their enterprise-resource-planning (ERP) systems out to the Internet. The Calico sales quotation and configuration software integrates with ERP systems and automatically translates bills of materials into constraint- and role- based models that can rapidly be deployed on the Internet.);
- [Claim 38] receiving a feature selection (Henson: Col. 2, lines 61-67, and Col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input.);
- updating an inventory library based upon the selection to reflect constraints imposed by the selection (Henson: Col. 5, line 55 through to Col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom

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configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.);

- providing the selection to a supplier (Col. 4, lines 53-62 and Col. 6, lines 31-67, Henson teaches an enhanced online store user interface which enables the system configuration, pricing, and ordering of a computer system via the Internet. The examiner interprets the online store to be the supplier);
- receiving information from the supplier comprising at least one of availability date and price for the selection (Henson: Col. 6, lines 18-67, Henson teaches the pricing option module includes an update price function that causes the price displayed on the configuration screen to reflect any changes made to the system options. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. Online shoppers can click on a long lead time icon that is displayed adjacent to each item affected and receive an estimated time to delivery.);
- updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials based on the selection (Col. 5, line 55 through to Col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or configuration bill of material is updated.).

As to claim 33, Henson and Teresko et al. fail to teach, responsive to the received availability date being unsatisfactory to the customer, communicating a customer specified availability date to the manufacturer. As to claim 38, Henson and Teresko et al. fail to teach, where customer desires are not satisfied, providing at least one of a customer desired availability date and a customer desired price for the selection and displaying accommodation data from the supplier corresponding to the customer desires. As indicated above, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a

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customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer (Col. 13, line 66 through to Col. 14, line 31). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a multivariate negotiation engine with Henson since the teachings of Conklin et al. teach that it is old and well known in the Internet communications art to have the capability to negotiate multiple variables such as prices, terms, conditions, etc. iteratively with a buyer (Abstract). Companies realize the cost advantage of doing business over the Internet. Allowing the customer to negotiate price, terms, conditions, etc. over the Internet would minimize the need for the customer to physically go to a company's place of business. The customer having the ability to negotiate all aspects of doing business with the company over the Internet would reduce the overall cost of the transaction for both the customer and company.

- [Claim 43] of updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials is based upon the accommodation data from the supplier (Teresko et al.: Page 24, Col. 3, Para 1, and Page 26, Col. 2, Para 3, Teresko et al. teaches manufacturers can extend their enterprise-resource-planning (ERP) systems out to the Internet. The Calico sales quotation and configuration software integrates with ERP systems and automatically translates bills of materials into constraint- and role- based models that can rapidly be deployed on the Internet. The system eliminates the need for sales and manufacturing to maintain separate configuration systems. Conklin et al.: Col. 13, line 66 through to Col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. Since the same configuration system is maintained between sales and manufacturing, then the supplier as being defined as the manufacturer can make accommodations.).

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Claim 44 and 46 recite substantially the same limitation as the same limitations as that of claim 38 with the distinction of the recited method being a system. Hence the same rejection for claim 38 as applied above applies to claim 44.

12. Claims 3 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383), Teresko et al. (Teresko et al., Calico Technology: Concinity configuration/quotation system, Industry Week, Vol. 245, issue 23, December 16, 1996, p. 24-26 [PROQUEST]) and Conklin et al. (U.S. Patent 6,141,653), as applied to claim 1 and 44. As to Claim 3, the examiner takes Official Notice that it is old and well known in the manufacturing art to have a fully integrated ERP system that communicates changes across the entire supply chain. SAP is an example of a product design to fully integrate the resources of an enterprise. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a planning and control system that communication across the entire supply chain. Cycle time is an important measure of competitiveness of a company. Being able to reduce total cycle time becomes an advantage for companies. Having a fully integrated ERP system from sales down to the suppliers reduces the time for communicating all the requirements, therefore, giving the companies a competitive advantage.

As to claim 44⁶, the examiner takes Official Notice that it is old and well known in the Internet communication art for a user interface, configuration engine, and supplier system to be remotely located with respect to each other. For example, eBay is a networked based shopping platform where a customer from the comfort of their home or place of business can access eBay via the Internet and search and select an item to bid on. The person who is selling the item is not

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located at the same place as the eBay Internet engine but like the customer has access to the system from the comfort of their home or place of business to review the bidding status of their item. Therefore, the parties involved are remotely located from each other. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a remotely located system between the customer, system and supplier. Companies are constantly striving to improve ways to entice customers to buy their products. Companies are using the Internet to sell products since the Internet is open 24 hours a day, 7 days a week and displays the company's products and is convenient to all concerned. Having the store open 24 hours a day, 7 days a week and allowing customers to shop from the convenience of their home reaches more potential customers making doing business convenient for all parties involved.

Allowable Subject Matter

13. Claims **35**, **39**, and **40** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-9419 [Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch
2 September 2003


**TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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